

House Committee on Judiciary

Minutes of Meeting
2018 Regular Session
April 6, 2018

I. CALL TO ORDER

Representative Katrina R. Jackson, chairman of the House Committee on Judiciary, called the meeting to order at 9:12 a.m. in Room 1, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Katrina R. Jackson, chairman
Representative Chad Brown
Representative Gary M. Carter, Jr.
Representative Jean-Paul P. Coussan
Representative Randal L. Gaines
Representative Jimmy Harris
Representative Lowell C. "Chris" Hazel
Representative Valarie Hodges
Representative Robert A. Johnson
Representative Christopher J. Leopold
Representative Joseph A. Marino, III
Representative John C. "Jay" Morris, III, vice chairman
Representative Nicholas Muscarello
Representative Robert E. Shadoin
Representative Jerome "Zee" Zeringue

MEMBERS ABSENT:

Representative John H. Bagneris
Representative Robby Carter
Representative Tanner D. Magee

STAFF MEMBERS PRESENT:

Danielle Barringer, attorney
Michelle D. Fontenot, director
Diane Merritt, secretary

ADDITIONAL ATTENDEES PRESENT:

Beverly Vincent, sergeant at arms
Desiree Cotton, clerk
Myrtis Jarrell, sergeant at arms

III. DISCUSSION OF LEGISLATION**House Bill No. 56 by Representative Hoffmann**

Representative Hoffmann presented House Bill No. 56, which provides relative to the signs displayed at the point of purchase of any tobacco, alternative nicotine, or vapor product.

On behalf of Representative Hoffman, Representative Jackson offered amendments to remove lettering size requirement for the notice postings and add an effective date of November 1, 2018. Representative Jackson offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Coussan, Jimmy Harris, Hodges, Leopold, Marino, Shadoin, and Zeringue voted yea.

Representative Marino offered a motion to report House Bill No. 56 with amendments. Without objection, House Bill No. 56 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Coussan, Jimmy Harris, Hodges, Leopold, Marino, Shadoin, and Zeringue voted yea.

Witness cards submitted by individuals who did not speak are as follows: 2 for information only and 4 in support. Witness cards are included in the committee records.

House Bill No. 589 by Representative Abramson

On behalf of the author, Representative Jimmy Harris presented House Bill No. 589, which provides relative to fees and costs of the Civil District Court for the Parish of Orleans.

Representative Jimmy Harris offered amendments to reduce the deposit amount collected in the Clerk's Salary Fund from 60 percent to 50 percent and require the clerk to remit to the judicial expense fund 50 percent of collected fees no later than the 25th day of the month following the previous month's collection. Representative Jimmy Harris offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Coussan, Jimmy Harris, Hazel, Hodges, Leopold, Marino, Shadoin, and Zeringue voted yea.

Representative Jimmy Harris offered a motion to report House Bill No. 589 with amendments. Without objection, House Bill No. 589 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Coussan, Jimmy Harris, Hazel, Hodges, Leopold, Marino, Shadoin, and Zeringue voted yea.

House Bill No. 98 by Representative Jimmy Harris

Representative Jimmy Harris offered a motion to voluntarily defer action on House Bill No. 98, which provides relative to misstatements or suppression of facts in alcoholic beverage permits. Without objection, action on House Bill No. 98 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Coussan, Jimmy Harris, Hazel, Hodges, Leopold, Marino, Shadoin, and Zeringue voted yea.

House Bill No. 604 by Representative Emerson

Representative Emerson presented House Bill No. 604, which provides for health insurance for the families of law enforcement officers killed in the line of duty.

Darrell Basco, representing Louisiana Fraternal Order of Police, 1618 Jewel St., Pineville, LA 71360, (318) 401-0421, spoke in support of House Bill No. 604.

Representative Jackson offered a motion to report House Bill No. 604 favorably. Without objection, House Bill No. 604 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Coussan, Hazel, Hodges, Leopold, Marino, Shadoin, and Zeringue voted yea.

Witness cards submitted by persons who did not speak are as follows: 5 in support. Witness cards are included in the committee records.

House Bill No. 292 by Representative Amedee

Representative Amedee presented House Bill No. 292, which provides relative to the use of a facility dog by a witness during a court proceeding.

Jay Lemoine, Grant Parish District Attorney, P.O. Box 309, Colfax, LA 71417, (318) 627-3205, spoke in support of House Bill No. 292.

Baleigh Olah, 710 E. Boyd Dr., Apt. 1201, Baton Rouge, LA 70808, (985) 981-6524, spoke in support of House Bill No. 292.

Susan East Nelson, representing Louisiana Partnership for Children and Families, 13609 Landmark Dr., Baton Rouge, LA 70810, (225) 229-2498, spoke in support of House Bill No. 292.

Morgan Lamandre, representing Sexual Trauma Awareness and Response (STAR), 5615 Corporate Blvd., Ste. 200, Baton Rouge, LA 70808, (225) 615-7093, spoke in support of House Bill No. 292.

On behalf of Representative Amedee, Representative Jackson offered an amendment to allow witnesses under 18 years of age to use a facility dog if needed. Representative Jackson offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 10 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Coussan, Hazel, Hodges, Marino, Muscarello, Shadoin, and Zeringue voted yea.

Representative Hodges offered a motion to report House Bill No. 292 with amendments. Without objection, House Bill No. 292 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Coussan, Hazel, Hodges, Marino, Muscarello, Shadoin, and Zeringue voted yea.

Witness cards submitted by persons who did not speak are as follows: 9 in support. Witness cards are included in the committee records.

House Bill No. 741 by Representative White

Representative White presented House Bill No. 741, which provides relative to the salary of the commissioner of the Twenty-Second Judicial District Court.

Judge Raymond Childress, 22nd Judicial District Court, P.O. Box 869, Franklinton, LA 70438, (985) 809-5305, spoke in support of House Bill No. 741.

Pat Brister, St. Tammany Parish President, 21490 Koop Dr., Mandeville, LA 70471, (985) 898-2700, spoke in opposition to House Bill No. 741.

Representative Hazel offered a motion to report House Bill No. 741 favorably. Without objection, House Bill No. 741 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Coussan, Gaines, Hazel, Hodges, Leopold, Marino, Muscarello, Shadoin, and Zeringue voted yea.

House Bill No. 239 by Representative Pierre

Representative Pierre presented House Bill No. 239, which provides relative to the definition of vapor products.

On behalf of Representative Pierre, Representative Gary Carter offered an amendment to remove the language "or other container of nicotine in a solution" from the definition of "vapor product". Representative Gary Carter offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 13 yeas and 0 nays. Representatives Jackson, Chad Brown,

Gary Carter, Coussan, Gaines, Hazel, Hodges, Johnson, Leopold, Marino, Muscarello, Shadoin, and Zeringue voted yea.

Juana Marine-Lombard, commissioner, office of alcohol and tobacco control, 8585 Archives Ave., Ste. 220, Baton Rouge, LA 70809, spoke for information only on House Bill No. 239.

Representative Leopold offered a motion to report House Bill No. 239 with amendments. Without objection, House Bill No. 239 was reported with amendments by a vote of 13 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Coussan, Gaines, Hazel, Hodges, Johnson, Leopold, Marino, Muscarello, Shadoin, and Zeringue voted yea.

Witness cards submitted by persons who did not speak are as follows: 7 in support. Witness cards are included in the committee records.

House Bill No. 732 by Representative Talbot

Representative Talbot presented House Bill No. 732, which provides for the reporting of certain court orders to be included in the National Instant Criminal Background Check System database.

Representative Hazel offered a motion to report House Bill No. 732 favorably. Without objection, House Bill No. 732 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Coussan, Gaines, Hazel, Hodges, Leopold, Marino, Muscarello, Shadoin, and Zeringue voted yea.

House Bill No. 73 by Representative Bacala

Representative Bacala presented House Bill No. 73, which provides relative to payment of processing fee for certain garnishment proceedings.

On behalf of Representative Bacala, Representative Jackson offered an amendment to authorize the constable to use collected money for compensation and operational expenses of the ward constable's office.

Kevin J. Centanni, President, Louisiana Justices of the Peace and Constables Association, 1803 Williams Blvd., Kenner, LA 70062, (504) 466-7984, spoke in support of House Bill No. 73.

Representative Jackson offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 11 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Gaines, Hazel, Hodges, Leopold, Marino, Muscarello, Shadoin, and Zeringue voted yea.

On behalf of Representative Bacala, Representative Jackson offered an amendment to require the garnishee, sheriff, marshal, or constable to make a reasonable effort to contact the seizing creditor

and obtain a current balance prior to the termination of any garnishment proceeding. Representative Jackson offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 12 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Gaines, Hazel, Hodges, Johnson, Leopold, Marino, Muscarello, Shadoin, and Zeringue voted yea.

Representative Marino offered a motion to report House Bill No. 73 with amendments. Without objection, House Bill No. 73 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Gaines, Hazel, Hodges, Johnson, Leopold, Marino, Muscarello, Shadoin, and Zeringue voted yea.

Witness cards submitted by persons who did not speak are as follows: 6 in support. Witness cards are included in the committee records.

House Bill No. 285 by Representative Stefanski

On behalf of the author, Representative Jackson offered a motion to voluntarily defer action on House Bill No. 285, which provides relative to the delivery of alcoholic beverages. Without objection, action on House Bill No. 285 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Gaines, Hazel, Hodges, Johnson, Leopold, Marino, Muscarello, Shadoin, and Zeringue voted yea.

House Bill No. 190 by Representative Carmody

On behalf of the author, Representative Jackson offered a motion to voluntarily defer action on House Bill No. 190, which provides relative to fees for pretrial programs in the parishes of Caddo and Bossier. Without objection, action on House Bill No. 190 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Gaines, Hazel, Hodges, Johnson, Leopold, Marino, Muscarello, Shadoin, and Zeringue voted yea.

House Bill No. 135 by Representative Dwight

Representative Dwight presented House Bill No. 135, which provides relative to application fees for alcoholic beverage permits.

Representative Leopold offered a motion to report House Bill No. 135 favorably. Without objection, House Bill No. 135 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Coussan, Gaines, Hazel, Hodges, Johnson, Leopold, Marino, Muscarello, Shadoin, and Zeringue voted yea.

Witness cards submitted by persons who did not speak are as follows: 1 for information only and 2 in support. Witness cards are included in the committee records.

House Bill No. 538 by Representative Dwight

Representative Dwight presented House Bill No. 538, which provides for a magistrate in the 14th JDC.

On behalf of Representative Dwight, Representative Hazel offered amendments to change the title of the office from magistrate to magistrate judge, provide that the elected term shall start January 1, 2021, allow the magistrate judge to serve for 6 years, add that the position will be full-time, and provide that the magistrate judge will not be able to practice law. Representative Hazel offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Coussan, Gaines, Hazel, Leopold, Marino, Muscarello, Shadoin, and Zeringue voted yea.

Representative Hazel offered an amendment to authorize the magistrate judge to have jurisdiction over specialty courts created after the effective date of proposed law. Representative Hazel offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 10 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Coussan, Hazel, Leopold, Marino, Muscarello, Shadoin, and Zeringue voted yea.

Representative Hazel offered a motion to report House Bill No. 538 with amendments. Without objection, House Bill No. 538 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Coussan, Hazel, Leopold, Marino, Muscarello, Shadoin, and Zeringue voted yea.

Witness cards submitted by persons who did not speak are as follows: 1 for information only. Witness cards are included in the committee records.

House Bill No. 388 by Representative Hodges

Representative Hodges presented House Bill No. 388, which provides relative to emergency management.

Representative Hodges offered amendments as follows:

- (1) Modify the proposed limitation of liability to apply to volunteers, instead of volunteer agencies gratuitously rendering disaster relief or recovery services.
- (2) Remove proposed law authorizing volunteers to make claims if they suffer damage to their property or expend funds to accomplish an assigned mission, and to receive state or parish commodities.
- (3) Require volunteers to make every effort to coordinate with local officials.

- (4) With respect to proposed law protections for volunteers who take leave from employment:
 - (a) Provide an exception from proposed law for peace officers.
 - (b) Change the proposed law protections applicable to public officers and employees to leave without pay.
 - (c) Change the proposed law protections applicable to private employees to authorize leave not to exceed five days, instead of fifteen days.
 - (d) Provide that no volunteer firefighter shall be denied leave, work-related benefits, or employment for absentsing himself from the volunteer fire department for the purpose of emergency response not to exceed five days per declared disaster.
- (5) Modify the definition of "volunteer" to include individuals who donate labor through a nonprofit organization registered and approved by the state as a private, nonprofit, tax-exempt organization pursuant to 26 U.S.C. 501(c), instead of 26 U.S.C. 501(c)(3).

Casey Tingle, deputy director, GOHSEP, 7667 Independence Blvd., Baton Rouge, LA 70806, (225) 925-1500, spoke for information only on House Bill No. 388.

Representative Morris in chair.

Representative Hodges offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 12 yeas and 0 nays. Representatives Chad Brown, Coussan, Gaines, Hazel, Hodges, Johnson, Leopold, Marino, Jay Morris, Muscarello, Shadoin, and Zeringue voted yea.

Danielle Aymond, representing GOHSEP, 37463 Cornerview Rd., Geismar, LA 70734, (337) 515-4127, spoke for information on House Bill No. 388.

Representative Marino offered amendment to remove the word gratuitously from disaster relief or recovery services. Representative Marino offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 11 yeas and 0 nays. Representatives Chad Brown, Coussan, Gaines, Hazel, Hodges, Johnson, Leopold, Marino, Jay Morris, Muscarello, and Shadoin voted yea.

After a lengthy discussion, House Bill No. 388 was temporarily passed over for preparation of an amendment.

Representative Jackson in chair.

(Further action was taken by the committee on House Bill No. 388 at a later point in the meeting. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 388.)

House Bill No. 235 by Representative Hilferty

Representative Hilferty presented House Bill No. 235, which would provide relative to the educational requirements of the ATF Responsible Vendor Program for bartenders and servers.

Paulette Lill, 5818 General Diaz St., New Orleans, LA 70124, spoke in support of House Bill No. 235.

Stan Harris, Louisiana Restaurant Association, 2700 N. Arnoult Rd., Metairie, LA 70002, (504) 454-2277, spoke for information only on House Bill No. 235.

Morgan Lamandre, representing Sexual Trauma Awareness and Response (STAR), 5615 Corporate Blvd., Ste. 200, Baton Rouge, LA 70808, (225) 615-7093, spoke in support of House Bill No. 235.

Alix Tarnowsky, STAR, 123 N. Genois St., New Orleans, LA 70119, (203) 979-3400, spoke in support of House Bill No. 235.

On behalf of author, Representative Jackson offered a motion to voluntarily defer action on House Bill No. 235. Without objection, action on House Bill No. 235 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Jackson, Chad Brown, Coussan, Hazel, Hodges, Leopold, Marino, Jay Morris, Muscarello, and Zeringue voted yea.

Witness cards submitted by persons who did not speak are as follows: 1 for information only, 1 in support, and 1 in opposition. Witness cards are included in the committee records.

(Further action was taken by the committee on House Bill No. 235 on April 13, 2018. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 235.)

House Bill No. 388 by Representative Hodges

(This is a continuation of the discussion on House Bill No. 388 from earlier in the meeting. Please check for the prior action to complete the record of discussion and motions on House Bill No. 388.)

Representative Hodges presented House Bill No. 388, which provides relative to emergency management.

Representative Coussan offered an amendment to change "other volunteer agencies" who render any disaster relief to "other volunteers" who render any disaster relief. Representative Coussan offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 10 yeas and 0 nays. Representatives Jackson, Chad Brown, Coussan, Hazel, Hodges, Leopold, Marino, Jay Morris, Muscarello, and Zeringue voted yea.

Jon Bridgers, Cajun Navy, P.O. Box 977, Watson, LA 70786, (225) 304-3436, spoke in support of House Bill No. 388.

Judd Jeansonne, Office of the Lt. Governor, Volunteer Louisiana, 701 N. 4th St., Baton Rouge, LA 70802, (225) 342-3125, spoke for information only on House Bill No. 388.

Representative Jay Morris offered a motion to report House Bill No. 388 with amendments. Without objection, House Bill No. 388 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Jackson, Chad Brown, Coussan, Hazel, Hodges, Leopold, Marino, Jay Morris, Muscarello, Shadoin, and Zeringue voted yea.

Witness cards submitted by individuals who did not speak are as follows: 2 for information only and 12 in support. Witness cards are included in the committee records.

House Bill No. 645 by Representative Zeringue

Representative Zeringue presented House Bill No. 645, which provides relative to emergency and disaster management.

Representative Zeringue offered a set of amendments as follows:

- (1) Require the Disaster Cemetery Response Task force to appoint a chairman and authorize each task force member to appoint a designee.
- (2) Add to the powers and duties of the task force to include coordination with funeral directors and monument and vault companies.
- (3) Provide that the task force acting pursuant to proposed law may not supplant the authority of an individual cemetery authority that seeks to manage its own disaster response and communicates that desire in writing.
- (4) Specify that the task force may direct available parish and local resources for the response under proposed law.

Representative Zeringue offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Jackson, Chad Brown, Coussan, Hazel, Leopold, Marino, Jay Morris, Muscarello, Shadoin, and Zeringue voted yea.

Representative Zeringue offered a motion to report House Bill No. 645 with amendments. Without objection, House Bill No. 645 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Jackson, Chad Brown, Coussan, Hazel, Leopold, Marino, Jay Morris, Muscarello, Shadoin, and Zeringue voted yea.

Witness cards submitted by individuals who did not speak are as follows: 3 for information only and 1 in support. Witness cards are included in the committee records.

House Bill No. 358 by Representative Foil

On behalf of the author, Casey Tingle, deputy director, GOHSEP, 7667 Independence Blvd., Baton Rouge, LA 70806, (225) 925-7500, presented House Bill No. 358, which provides relative to emergency management.

Representative Coussan offered amendments as follows:

- (1) Modify the proposed limitation of liability to apply to volunteers, instead of volunteer agencies gratuitously rendering disaster relief or recovery services.
- (2) Remove proposed law authorizing volunteers to make claims if they suffer damage to their property or expend funds to accomplish an assigned mission, and to receive state or parish commodities.
- (3) Require volunteers to make every effort to coordinate with local officials.
- (4) With respect to proposed law protections for volunteers who take leave from employment:
 - (a) Provide an exception from proposed law for peace officers.
 - (b) Change the proposed law protections applicable to public officers and employees to leave without pay.
 - (c) Change the proposed law protections applicable to private employees to authorize leave not to exceed five days, instead of fifteen days.
 - (d) Provide that no volunteer firefighter shall be denied leave, work-related benefits, or employment for absenting himself from the volunteer fire department for the purpose of emergency response not to exceed five days per declared disaster.

- (5) Modify the definition of "volunteer" to include individuals who donate labor through a nonprofit organization registered and approved by the state as a private, nonprofit, tax-exempt organization pursuant to 26 U.S.C. 501(c), instead of 26 U.S.C. 501(c)(3).

Representative Coussan offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Jackson, Chad Brown, Coussan, Hazel, Johnson, Leopold, Marino, Jay Morris, Muscarello, Shadoin, and Zeringue voted yea.

Representative Shadoin offered a motion to report House Bill No. 358 with amendments. Without objection, House Bill No. 358 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Jackson, Chad Brown, Coussan, Hazel, Johnson, Leopold, Marino, Jay Morris, Muscarello, Shadoin, and Zeringue voted yea.

Witness cards submitted by individuals who did not speak are as follows: 4 for informational purposes, and 9 in support. Witness cards are included in the committee records.

House Bill No. 428 by Representative Coussan

Representative Coussan presented House Bill No. 428, which provides relative to the sale of alcoholic beverages.

Cary Koch, executive director, Louisiana Craft Brewers Guild, 8440 Jefferson Hwy., Baton Rouge, LA 70809, spoke for information only House Bill No. 428.

Karlos Knott, Louisiana Craft Brewers Guild, 1106 Bushville Hwy., Arnaudville, LA 70512, (337) 303-8000, spoke for information only House Bill No. 428.

Representative Coussan offered a motion to voluntarily defer action on House Bill No. 428. Without objection, action on House Bill No. 428 was voluntarily deferred by a vote of 13 yeas and 0 nays. Representatives Jackson, Chad Brown, Coussan, Gaines, Hazel, Hodges, Johnson, Leopold, Marino, Jay Morris, Muscarello, Shadoin, and Zeringue voted yea.

Witness cards submitted by individuals who did not speak are as follows: 2 for information only. Witness cards are included in the committee records.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 11:42 a.m.

Respectfully submitted,

Chairman Katrina R. Jackson
House Committee on Judiciary

Date adopted: